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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/987,892	11/16/2001	Mitsutaka Nakamura	1095.1204	7562
21171	7590	06/19/2006	EXAMINER HAMZA, FARUK	
STAAS & HALSEY LLP SUITE 700 1201 NEW YORK AVENUE, N.W. WASHINGTON, DC 20005			ART UNIT 2155	PAPER NUMBER

DATE MAILED: 06/19/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/987,892

Applicant(s)

NAKAMURA, MITSUTAKA

Examiner

Faruk Hamza

Art Unit

2155

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 01 May 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,5-7 and 9 is/are pending in the application.
- 4a) Of the above claim(s) 3,4,8,10 and 11 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,5-7 and 9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Response to Amendment

1. This action is responsive to the amendment filed on May 01, 2006. Claims 1,2,5-7, and 9 have been amended. Claims 3,4,8,10 and 11 have been canceled. Claims 1,2,5-7 and 9 are pending.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. Claims 1,2,5-7, and 9 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Newly added claim limitation "electronic message containing a personal message addressed from the sender of the article to the receiver of the article" is not supported by the specification. Applicant failed to describe this new subject matter.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35

U.S.C. 102 that form the basis for the rejections under this section made in this

Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors

Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology

Technical Amendments Act of 2002 do not apply when the reference is a U.S.

patent resulting directly or indirectly from an international application filed before

November 29, 2000. Therefore, the prior art date of the reference is determined

under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C.

102(e)).

3. Claims 1,2,5-7 and 9 are rejected under 35 U.S.C. 102(e) as being anticipated by Joao (U.S. Pub. No. US 2002/0099567).

Joao teaches the invention as claimed including an apparatus and method for providing shipment information, including a memory device for storing shipment information, a processor for processing at least one of a request and a prompt to provide shipment information, wherein the processor processes the information contained in the memory device, and further wherein the processor

generates delivery message, wherein the delivery message contains information regarding at least one of a shipment description (See abstract).

As to claim 1, Joao teaches a method for delivering messages, the method comprising:

accepting information at a server regarding an article to be delivered (Fig. 1, P [0154-0168]; P [0174-0177], Joao discloses accepting information regarding an article to be delivered);

accepting at said server an electronic message by associating the electronic message with said article (P [0154-0168]; P [0174-0177], Joao discloses accepting electronic message regarding an article to be delivered);

updating said electronic message associated with said article before receiving notification that delivery of said article is completed (P [0154-0168]; P [0174-0177], Joao discloses updating electronic message regarding an article to be delivered before receiving notification); and

sending from said server said electronic message associated with said article to a receiver of said article at a time of receiving notification that delivery of article is completed (P [0154-0168]; P [0174-0177], Joao discloses sending electronic message associated with an article to be delivered at a time of receiving notification).

As to claim 2, Joao teaches a method for delivering messages, the method comprising:

accepting information at a server regarding an article to be delivered (Fig. 1, P [0154-0168]; P [0174-0177], Joao discloses accepting information regarding an article to be delivered);

accepting at said server an electronic message by associating the electronic message with said article (P [0154-0168]; P [0174-0177], Joao discloses accepting electronic message regarding an article to be delivered); and

sending from said server said electronic message associated with said article to a terminal of a deliverer who delivers said article accepting information at the terminal of the deliverer regarding said article to be delivered and said electronic message associated with said article from said server (P [0154-0168]; P [0174-0177], Joao discloses sending electronic message associated with an article to be delivered to a terminal);

sending from said terminal of the deliverer said electronic message associated with said article to a receiver of said article at a time of accepting input which indicates that delivery of said article is completed (P [0154-0168]; P [0174-0177], Joao discloses sending electronic message from terminal and accepting input which indicates that delivery of the article is completed).

As to claim 5, Joao teaches a program executed on a computer for delivering messages, the program comprising:

a section for causing the computer to function as a unit for accepting information regarding an article to be delivered (Fig. 1, P [0154-0168]; P [0174-0177], Joao discloses accepting information regarding an article to be delivered);

a section for causing the computer to function as a unit for accepting an electronic message by associating the electronic message with said article (P [0154-0168]; P [0174-0177], Joao discloses accepting electronic message regarding an article to be delivered);

a section for causing the computer to function as a unit for updating said electronic message associated with said article before receiving notification that delivery of said article is completed (P [0154-0168]; P [0174-0177], Joao discloses updating electronic message regarding an article to be delivered before receiving notification); and

a section for causing the computer to function as a unit for sending the electronic message associated with said article to a receiver of the article at the time of receiving notification that delivery of the said article is completed (P [0154-0168]; P [0174-0177], Joao discloses sending electronic message associated with an article to be delivered at a time of receiving notification).

As to claim 6, Joao teaches a program executed on a computer for delivering messages, the program comprising:

a section for causing the computer to function as a unit for accepting information regarding an article to be delivered (Fig. 1, P [0154-0168]; P [0174-0177], Joao discloses accepting information regarding an article to be delivered);

a section for causing the computer to function as a unit for accepting an electronic message by associating the electronic message with said article (P [0154-0168]; P [0174-0177], Joao discloses accepting electronic message regarding an article to be delivered); and

a section for causing the computer to function as a unit for sending said the electronic message associated with said article to a terminal of a deliverer for sending said electronic message to a receiver of said article at a time of completing of the delivery of said article (P [0154-0168]; P [0174-0177], Joao discloses sending electronic message to a receiver associated with an article to be delivered).

As to claim 7, Joao teaches a program executed on a computer for delivering messages, the program comprising:

a section for causing the computer to function as a unit for accepting information regarding an article to be delivered and an electronic message associated with the article from a server (Fig. 1, P [0154-0168]; P [0174-0177], Joao discloses accepting information regarding an article to be delivered and electronic message associated with the article); and

a section for causing the computer to function as a unit for sending said electronic message associated with said article to a receiver of the article at the time of accepting input which indicates that delivery of said article is completed (P [0154-0168]; P [0174-0177], Joao discloses sending electronic message from terminal and accepting input which indicates that delivery of the article is completed).

As to claim 9, Joao teaches a unit for delivering messages, the unit comprising:

a section for accepting information regarding an article to be delivered and an electronic message associated with the article from a server (Fig. 1, P [0154-0168]; P [0174-0177], Joao discloses accepting information regarding an article to be delivered and electronic message associated with the article); and

a section for sending said electronic message associated with said article to a receiver of said article at a time of accepting input which indicates that delivery of said article is completed (P [0154-0168]; P [0174-0177], Joao discloses sending electronic message from terminal and accepting input which indicates that delivery of the article is completed).

Response to Arguments

4. Applicant's arguments have been fully considered but they are not persuasive.

In the remarks applicant argues in a substance that; A) Joao does not teach "accepting at said server an electronic message containing a personal message addressed from the sender of the article to the receiver of the article".

In response to A) The amended claims contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Therefore, examiner is not considering this newly added claim limitation at this time.

Conclusion

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Art Unit: 2155

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Faruk Hamza whose telephone number is 571-272-7969. The examiner can normally be reached on Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Saleh Najjar can be reached at 571-272-4006. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 886-217-9197 (toll –free).

Faruk Hamza

Patent Examiner

Group Art Unite 2155


SALEH NAJJAR
SUPERVISORY PATENT EXAMINER